

REMARKS

This Amendment is being filed in response to the Office Action mailed June 5, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Office Action, claims 1-2, 7-8, 10, 12-14, 16, 18 and 22-23 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2002/0087503 (Judd) in view of Official Notice. Claims 3-4, 6, 9 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Judd and Official Notice in view of U.S. Patent No. 6,192,112 (Rapaport). Further, claims 19-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Judd and Official Notice in view of U.S. Patent No. 5,832,450 (Myers). It is respectfully submitted that claims 1-4, 6-10, 12-16, and 18-23 are patentable over Judd, Official Notice, Rapaport and Myers for at least the following reasons.

Judd is directed to a medical imaging system to allow any

conventional Internet browser to function as a medical workstation. As recited on page 2, paragraph [0024] of Judd, a primary physician is notified "via e-mail or pager as soon as imaging has been completed." (Emphasis added) Page 4, paragraph [0067] of Judd further recites:

The post engine 28 sends an e-mail notification, via an e-mail server 30 (FIG. 2) to the person submitting the request when the computations are complete. (Emphasis added)

Thus, notification occurs in Judd when imaging or computations are complete.

On page 3, last paragraph of the Office Action, an Official Notice refers to Microsoft Windows 2000^{*} using:

an assortment of "flagging" techniques to indicate various status alerts pertaining to new information and associated tasks.

Further, page 5, third paragraph of the Office Action, indicates that:

Techniques of using conditional flags to indicate something, such as whether information has been read or has not been read and/or a certain condition has arisen is notoriously well known and obvious. For example, common email applicants provide various flags to indicate whether ... [an] email has been read or unread, deleted, and set, etc.

It is respectfully submitted that Applicants are not attempting to patent flagging or conditional flags in general. Rather, independent claims 1, 7 and 13 require specific conditions for setting or not setting a flag, and notifying or not notifying a user.

It is respectfully submitted that Judd, the Official Notice, and combination thereof, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 7 and 13 which, amongst other patentable elements, requires (illustrative emphasis provided):

for setting a reconsider flag to indicate that new information is available for informing a user of arrival of the new information associated to a study to which the new information corresponds if the study has been reviewed, and for not setting the reconsider flag if the study has not been reviewed even when the new information is available, for notifying the user if the user is currently reviewing the study, and for not notifying the user if the user is not currently reviewing the study.

Rapaport and Myers are cited to allegedly show other features and do not remedy the deficiencies in Judd, Official Notice.


Accordingly, it is respectfully submitted that independent claims 1, 7 and 13 are allowable, and allowance thereof is

respectfully requested. In addition, it is respectfully submitted that claims 2-4, 6, 8-10, 12, 14-16 and 18-21 should also be allowed based at least on their dependence from independent claims 1, 7 and 13.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded. And in particular, no Official Notices are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
August 27, 2007

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101